

USAWC STRATEGY RESEARCH PROJECT

GUIDELINES FOR U.S. HUMANITARIAN MILITARY INTERVENTION

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The views expressed in this student academic research paper are those of the author and do not reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

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Report Documentation Page			Form Approved OMB No. 0704-0188		
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE <b>03 MAY 2004</b>		2. REPORT TYPE		3. DATES COVERED -	
4. TITLE AND SUBTITLE <b>Guidelines for U.S. Humanitarian Military Intervention</b>				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) <b>David McDonnell</b>				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050</b>				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT <b>See attached file.</b>					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES <b>23</b>	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>			



## ABSTRACT

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TITLE: GUIDELINES FOR U.S. HUMANITARIAN MILITARY INTERVENTION

FORMAT: Strategy Research Project

DATE: 19 March 2004      PAGES: 23      CLASSIFICATION: Unclassified

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## GUIDELINES FOR U.S. HUMANITARIAN MILITARY INTERVENTION

The core challenge to the Security Council and to the United Nations as a whole in the next century is to forge unity behind the principle that massive and systematic violations of human rights – wherever they take place – should not be allowed to stand.

— Kofi A. Annan, September 1999

Following the collapse of the Soviet Union in the early 1990's, the United States assumed the prominent position as the world's most powerful nation and will remain in this position for the foreseeable future. With the world's most capable military, strongest economy, and most technically advanced infrastructure, the United States has never had more influence upon the actions of other nations than it does today. As United Nations (UN) Secretary General Annan suggests in the above quote, world leaders have a responsibility and an obligation to intervene and stop cases of gross human rights violations from occurring or continuing whenever and wherever they take place. The United States must carefully consider how it should utilize its significant influence on the UN Security Council's decision making process when determining whether or not to conduct humanitarian intervention. In this paper, I intend to explore potential humanitarian military interventions, examine some of the practical constraints placed on the United States in mounting such interventions, and conclude with recommendations for U.S. strategy concerning future cases which might warrant humanitarian intervention.

### **HUMANITARIAN INTERVENTION.**

For the purposes of this paper, the term “humanitarian intervention” will be defined as a military action by one state or a group of states inside a sovereign nation without the approval of that nation's leaders to end human rights violations and/or to rescue persons who are in desperate need and assist them to achieve their basic needs. The need for humanitarian intervention as a rule is limited to two cases.<sup>1</sup> The first occurs when organized forms of human rights violations occur in a nation where the government is unable or unwilling to curb it, or when that violation of human rights is actually being carried out by the government. The second occurs when a government cannot or is unwilling to provide for the basic needs of its people leading to mass famine, suffering, and, in some cases, inordinate loss of life. This second case can be the result of several causes such as a natural disaster, civil war, or mass migration.

Following the atrocities committed by Hitler's Nazi regime, Raphael Lemkin, a Jew in occupied Poland during World War II, spearheaded a campaign to create an international legal framework in order for the world to “never again” experience the pain and suffering inflicted by a



tyrannical leader. His efforts were rewarded by the U.N. approval of the convention on the Prevention and Punishment of the Crime of Genocide in 1948. This convention states, "the contracting parties confirm that genocide is a crime under international law which they undertake to prevent and to punish".<sup>2</sup> By signing this convention the United States, along with the other 133 nations who are parties to the convention, accepted the moral obligation to put a stop to genocide once it has been discovered and to punish those who execute it. While Lemkin succeeded in his quest, the convention lacks any specificity concerning who is responsible for executing the military mission of intervention in cases of genocide. The same type of problem exists no matter what the reason for the intervention including peacekeeping, feeding starving populations or stopping genocide. Michael Walzer sums up the issue by saying, "The general problem is that intervention, even when it is justified, even when it is necessary to prevent terrible crimes is an imperfect duty – a duty that doesn't belong to any particular agent. Somebody ought to intervene, but no specific state or society is morally bound to do so."<sup>3</sup> In some cases, as I will discuss in more detail, world leaders have considered a humanitarian crisis to exist but elected not to intervene since they perceived it to be not in their national interest to do so. Did they shirk their moral responsibility?

## **POTENTIAL HUMANITARIAN INTERVENTIONS**

No matter how much political diplomacy is conducted throughout the world, it seems that warlords, zealots, and tyrants will continue to establish power in many volatile countries, establishing the conditions which are ripe for violent conflict. Forecasting where the next humanitarian crisis will occur is a difficult endeavor, but is worth the effort as many lives might be saved. By identifying a potential humanitarian disaster early, world leaders might even be able to influence problematic national leaders to an extent that humanitarian intervention is not needed. When deterrence fails and a civil war or ethnic violence breaks out within a nation state, most scenarios lead to significant refugee problems. In some of those cases, the leaders of the nation have no interest in resolving the problem resulting in a humanitarian crisis.

Thomas Barnett proposed a theory that globalization is inversely proportional to a country's probability to experience humanitarian crises. "But show me where globalization is thinning or just plain absent, and I will show you regions plagued by politically repressive regimes, widespread poverty and disease, and routine mass murder. A country's potential to warrant a U.S. military response is inversely related to its globalization connectivity."<sup>4</sup> He suggests there is an area of the world where there is a lack of globalization and that this is where the most likely humanitarian interventions will be required in the future. Barnett's theory allows world

leaders the ability to more effectively forecast regions of instability, concentrate all elements of their national power and, in some cases, prevent the humanitarian disasters from occurring prior to the need for intervention. While a particular country's level of globalization is difficult to measure, Barnett avers that most of the countries we need to be concerned about are labeled as "low income" by the World Bank and that the population's life expectancy is below average. He identifies the following regions of the world where world leaders should focus their attention: The Caribbean Rim, virtually all of Africa, the Balkans, the Caucasus, Central Asia, the Middle East and Southwest Asia, and much of Southeast Asia.<sup>5</sup> By focusing the world's diplomatic organizations and intelligence organizations on Barnett's nations of concern, world leaders will be better prepared to forecast, address, and resolve humanitarian problems before the need for humanitarian intervention is required.

As the world population continues to increase, the ability of governments to provide for the basic needs of a nation's people becomes more and more difficult. Additionally, the population explosion will force people to move into areas where the natural resources do not adequately compensate for their needs. Natural disasters, such as floods, earthquakes, and hurricanes will have a more significant impact on the citizens of overpopulated countries and will tax the ability of those countries to effectively recover from these disasters. Large population movements, whether refugees from a civil war or those due to natural disasters, frequently lead to mass famine and suffering, and thus establish conditions requiring humanitarian intervention to prevent massive loss of life. Many countries welcome outside assistance when their countries experience a natural disaster, but, as I defined it previously, humanitarian intervention for the purposes of this paper is limited to countries who do not accept international support yet still fail to provide for their nation's people. There is no question that situations will continue throughout the world to meet the requirements for humanitarian intervention, and, in my opinion, humanitarian intervention will become more and more prevalent in the future. Government leaders should apply the appropriate resources to enhance their ability to forecast potential humanitarian crises prior to the need for humanitarian intervention.

#### **JUSTIFYING HUMANITARIAN INTERVENTION.**

The right of a nation to conduct humanitarian intervention within the borders of another state is not well supported in international law. The UN charter forbids "the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."<sup>6</sup> It is clear to most international legal scholars that the UN charter does not condone humanitarian intervention. However, a

growing number of international legal scholars, including Fernando Teson, argue that a humanitarian intervention can be justified in international law provided it does not result in a territorial occupation or a political regime change. Teson states,

the rights of states recognized by international law are meaningful only on the assumption that those states minimally observe individual rights. The United Nations purpose of promoting and protecting human rights has a **necessary** primacy over the respect for state sovereignty. Force used in defense of fundamental human rights is therefore **not** a use of force inconsistent with the purposes of the United Nations.<sup>7</sup>

Additionally, some legal scholars argue that international law will change to allow for humanitarian intervention as the practice of conducting humanitarian interventions becomes a custom. Jane Stromseth points out,

the customary law approach encourages states to explain the legal basis and justification for their action forthrightly and, as a result, is more likely to contribute to the development of a normative consensus regarding the circumstances in which humanitarian intervention should be understood as lawful.<sup>8</sup>

This customary law approach relies on a practice, in this case humanitarian intervention, to be accepted by a majority of the world's nations as the impetus to change international law. While the legal scholars argue whether or not international law supports humanitarian intervention, most world leaders do not use international law to justify their actions, but turn to the argument that humanitarian interventions are justified by a moral imperative.

Regardless of the legality of humanitarian intervention, humanitarian intervention can be ethically justified even when not legally justified. This argument relies on the natural tendency of humans to lend assistance to those who are in need. This tendency to rescue the innocent and helpless from distress drives many people to favor humanitarian intervention in cases where a government is unable or unwilling to help those in distress, or in a few cases, where a government is the cause of the people's distress. Additionally, there seems to be a consensus on the international level that recognizes universal human rights. Most civilized humans can sympathize with people who are being brutalized and can understand the moral obligation for someone to come to those people's rescue.

The justification for humanitarian interventions in both the legal and moral aspect is open for debate in the United States, but even when there is an obvious just cause for intervention another significant question must be asked and answered before risking the lives of US soldiers in a humanitarian intervention. Who has the authority to direct a humanitarian intervention to be

conducted? To illustrate this point I will explore two modern-day cases where humanitarian intervention was considered: The Former Republic of Yugoslavia and Rwanda.

#### FORMER REPUBLIC OF YUGOSLAVIA

From 1992 to 1995, “genocide and war in Bosnia resulted in the death of upward of 200,000 people, the rape of thousands of women, and a massive refugee population.”<sup>9</sup> While there were atrocities committed by the Croats, Muslims, and Serbs against each other during the war, “the crime of genocide was perpetrated by the Serbs against the Bosnian Muslims.”<sup>10</sup> Led by Serbian President Slobodan Milosevic, the Serbs intentionally attempted to conduct what they termed “ethnic cleansing,”<sup>11</sup> the elimination of all non-Serb inhabitants from the region.

Newsday’s Roy Gutman exposed the Serbs’ system of concentration camps in August of 1992.<sup>12</sup> Additional reports of the atrocities being committed by the Serbs made it clear to many outside observers that genocide was taking place in Bosnia, clearly a just cause for intervention in accordance with the UN convention on the Prevention and Punishment of the Crime of Genocide. The Bush administration was hesitant to call it “genocide”. According to Paul Williams, then a State Department lawyer, “If the United States identifies what is occurring in Bosnia as genocide, then it ups the ante, it creates a moral obligation as well as a legal obligation to take action.”<sup>13</sup> The Bush administration felt that intervention in Bosnia was not in the United States’ national interest. Faced with the ethical dilemma of sending American soldiers into a foreign land to stop what was known to be genocide, then Secretary of State Howard Baker summed up the administration’s stance on the issue by stating, “We don’t have a dog in that fight.”<sup>14</sup> In my opinion, it was at this point that the international community should have intervened militarily. Once it was clear that genocide was being conducted the Milosevic regime should have been stopped immediately. As it turned out, no legitimate authority decided to intervene until much later.

As a presidential candidate in the 1992 election, Bill Clinton stated on 4 August 1992, “I am outraged by the revelations of concentration camps in Bosnia and urge immediate action to stop this slaughter. If the horror of the Holocaust taught us anything, it is the high cost of remaining silent and paralyzed in the face of genocide.”<sup>15</sup> But following his election, President Clinton did not choose to get the US military involved in the Bosnian crisis. Clinton sent diplomats to work with US European allies to encourage them to solve the problem, implying it was a European problem. Clinton was focusing the administration’s efforts on domestic issues at the time and did not want to become embroiled in foreign policy issues. “Clinton feared a

potentially costly foreign policy issue that could weaken him politically and jeopardize his initiatives at home.”<sup>16</sup>

Many U.S. government officials during both the Bush and the Clinton administrations were of the opinion that the genocide in Bosnia was a problem that the European nations had to solve themselves. But it was not until late in 1994, after two years of the slaughter, that outside nations got involved with the threat of military action. Numerous diplomatic proposals were attempted to solve the problem throughout 1992 - 1994, but without success. Walzer postulated that many nations knew humanitarian intervention was called for, but no one stepped up to the plate to put a stop to the genocide. It wasn't until 1994 that the North Atlantic Treaty Organization (NATO), under significant pressure from the United States, started getting involved by issuing ultimatums to the Serbs, threatening aerial bombing if the Serbs did not meet NATO's demands. The Serbs slowly complied with the specific demands, but continued to conduct atrocities against the Muslim population. A game of give-and-take took place for about a year between NATO and the Serbs. Following the highly publicized Serb attack on Sarajevo killing over thirty-five civilians, the world was finally shamed into action.<sup>17</sup> NATO, led by the United States, commenced aerial bombardment of Serb forces. The air campaign continued and the Serbs were ultimately forced to agree to a cease-fire in September 1995.<sup>18</sup> The genocide was over three years after it started.

In this case, NATO assumed the position as the legitimate authority to approve the humanitarian intervention. Considerable debate concerning both the just cause and the legitimate authority of this intervention continues to this day. Using the strict definition of sovereignty, this intervention has been criticized in some circles as not meeting the legality of international law as there was not a UN resolution approving the operation. Shi Yinhong and Shen Zhixiong criticized the United States for acting only in its own self interest by forcing NATO into action in this intervention. “With its growing power and its hegemonic ambitions in the post-Cold War era, the United States has initiated and participated in several humanitarian interventions that were motivated not by the interests of humanity but by its own national self-interest.”<sup>19</sup> This shows that even when a large group of countries, such as NATO, agree to conduct a humanitarian intervention their legitimate authority can be questioned by some in the international community.

## RWANDA

In the spring of 1994, up to 800,000 Tutsis were slaughtered over a three-month period by the Hutu majority in Rwanda.<sup>20</sup> The Tutsi ethnic group made up only fifteen percent of the

population. Most Tutsis were hacked to death by the Hutu Interhamwe, a militia made up of young racists who were brought up despising the Tutsis. The United Nations had a peacekeeping force in Rwanda at the time of the genocide. Major General Roméo Dallaire, U.N. force commander in Rwanda, cabled UN headquarters in New York on 11 January 1994 warning of the impending genocide. In the cable Dallaire “urgently requested protection for an informant who outlined to him Hutu plans being made to exterminate Tutsis and the location of several interhamwe arm caches.”<sup>21</sup> It was evident at this time that a genocide was being planned, so General Dallaire requested permission to conduct military raids to capture the identified Hutu arms caches. General Dallaire later estimated that with a force of about 5,000 military personnel he could have prevented the genocide. In my opinion, this was the time for the international community to intervene. But, UN headquarters denied Dallaire’s request to conduct the raids, and the genocide started shortly thereafter in April 1994. The genocide plan “called for Hutus to provoke the Belgians (the majority of the UN peacekeepers) to use force, kill them (the Belgians), and thus create for Rwanda what the death of U.S. Rangers created for Somalia – Western withdrawal”.<sup>22</sup> It worked and the UN peacekeeping force was rendered ineffective following the withdrawal of the Belgians. The genocide was spurred on by the Hutu-controlled radio which dispensed hateful propaganda concerning the Tutsis and encouraged the Interhamwe to “cleanse the country of Tutsis and openly urged more bloodletting and killing.”<sup>23</sup> The UN peacekeepers witnessed the massacre but were not allowed to protect the Tutsis.

The withdrawal of U.S. military forces from Somalia in 1993 following the loss of 18 lives in Mogadishu had left the Clinton administration hesitant to become involved in another African fiasco. Many influential leaders during the Rwanda genocide did not consider the situation as involving any U.S. national interests. As in the case of Yugoslavia, the Clinton administration would not publicly recognize the genocide for what they knew it was. Christine Shelly, a spokeswoman for the State Department, was quoted during a press conference that “acts of genocide”<sup>24</sup> were occurring in Rwanda, but she would not state that “genocide” was occurring. According to Gary Haugen, a journalist who witnessed the aftermath of the Rwandan genocide, the United States did not want to “trigger the international obligations and political liabilities that accompany the admission of genocide.”<sup>25</sup> The United States had a choice to intervene and stop the slaughter or it could have lobbied to strengthen the UN troop level and to authorize them to intervene. The United States chose neither and the genocide ensued. In hindsight Haugen summed it up by writing “we could have stopped it, but we chose not to”.<sup>26</sup> As the world’s most powerful and influential country, the United States could have put a stop to the Rwandan genocide and make a statement to the rest of the world that the United States will not stand by

and let gross human rights violations occur. We failed to do so and President Clinton went to Rwanda in 1998 to apologize saying, "I have come today to pay the respects of my nation to all who suffered and all who perished in the Rwandan genocide. We did not act quickly enough after the killing began."<sup>27</sup> In this case, the United States viewed the Rwandan genocide as not being in the national interest and let the slaughter continue until it was too late for humanitarian intervention to be effective.

As it did in Yugoslavia, the politics of the day ruled while world leaders questioned whether an intervention was in their country's national interest until it was too late to prevent the slaughter of hundreds of thousands of people in Rwanda. While the United States looked on, knowing that the conditions were met to justify an intervention, no one in the Clinton administration felt the pressure to act. The United States probably could have pushed a resolution through the UN to intervene in Rwanda, but the Clinton administration was again focused on domestic issues and did not want to get involved in another African quagmire.

Incidents of gross human rights violations such as the two cases discussed above have "shocked the moral conscience of mankind"<sup>28</sup> and forced the leaders of the United States to face the following ethical dilemma: Does the United States have a moral obligation to intervene when people are being massacred or are suffering from mass famine in a foreign land?

#### **LEGITIMATE AUTHORITY**

Who has the authority to authorize a humanitarian intervention? As discussed in the case of Yugoslavia, NATO, under pressure from the United States, approved the intervention. While most people believe a just cause existed, some academics and legal experts argue that NATO violated international law by intervening into the sovereign territory of Yugoslavia. The argument continues today and it leads directly to the question concerning who or what organization has the legitimate authority to direct an intervention to occur. Most people would agree that a UN resolution authorizing a humanitarian intervention would meet the requirement of a legitimate authority. But, China and Russia, both with veto power in the UN, oppose most cases of humanitarian intervention. "It is not part of their world view or their belief system. They do not believe it is supported in international humanitarian law."<sup>29</sup> Foreign relations can influence the United States decision makers when considering intervention. By not obtaining a UN resolution to intervene in the Former Republic of Yugoslavia, the United States opened itself up to criticism as being the bully from the West, the potential fallout from conducting non-UN mandated interventions. In my opinion, the United States should make every effort to obtain a UN resolution approving any future humanitarian intervention.

As one backs off from a worldwide organization like the UN to some lesser organization of states for approval of a humanitarian intervention, such as NATO, the argument for legitimate authority becomes less clear cut, as was seen in the Yugoslavian case. The argument for a single nation acting unilaterally as a legitimate authority to conduct humanitarian intervention becomes even harder to justify. What if the United States considered a just cause to exist and desired to conduct a humanitarian intervention unilaterally? Does the US government have legitimate authority to do so? The question becomes even harder to answer when considering that the US President can send troops into harm's way without the approval of Congress and regardless of whether or not he has the support of the American public for the mission.

It is easy to imagine a case where a just cause exists which is recognized by most countries as requiring a humanitarian intervention to rescue people in need, but due to the specific national interests of one or more countries, especially the permanent members of the UN Security Council, a UN resolution can be prevented from being approved. In this case, where a UN resolution is not approved, an organization like NATO, the European Union, or the Organization of American States could step up and organize a military intervention. As we saw in Yugoslavia, when an organization like NATO conducts a humanitarian intervention that organization can and most probably will be subject to criticism concerning its legitimate authority to conduct military operations in a sovereign nation. But, just like the UN, it is sometimes difficult to get resolutions from these types of organizations even when a just cause exists because of the need to get a consensus of all member countries to agree on the use of military force. Now, for the people in peril to be saved, a nation has to be willing to obtain the approval for the humanitarian intervention from a coalition of the willing or to act unilaterally and accept the questioning of their legitimate authority. As the number of countries involved in the approval process for a humanitarian intervention decreases, it seems clear that the legitimate authority associated with that intervention is increasingly questionable. In my opinion, the United States should attempt to obtain approval through a UN resolution prior to conducting a humanitarian intervention in the future. Without a UN approval, the United States should attempt to obtain as many countries as possible to approve of and participate in the intervention. Lastly, I believe the United States must seriously consider the ramifications of conducting humanitarian interventions unilaterally especially with respect to its position as the world's hegemon.

The problem with obtaining a UN resolution or building a large coalition of the willing is time. The Rwandan genocide only lasted three months with an average of about 10,000 Tutsis killed every day. The time it takes for diplomatic efforts to obtain a UN resolution or build a coalition of the willing could be considerable and could potentially result in a significant loss of



life as the humanitarian crisis continues. Even with this being said, I recommend the United States strive to obtain a UN resolution or to build a coalition in cases of humanitarian intervention in the future and to not act unilaterally.

#### **UNITED STATES AND HUMANITARIAN INTERVENTION**

The United States military force structure is based on a strategic prescription referred to as 1/4/2/1 as found in the Quadrennial Defense Review (QDR). 1/4/2/1 stands for concurrently defending the homeland (1), deterring adversaries in four critical regions (4), swiftly defeating enemies in two of the four regions (2), and winning one of the two conflicts decisively (1).<sup>30</sup> The QDR does not specifically address the requirement for military forces to conduct humanitarian interventions. It can be argued that humanitarian operations can fall into the deterring adversaries in critical regions category, but that argument is not specifically made in QDR. The current situation in Iraq is stretching our military forces thin. U.S. forces are experiencing an operational tempo which is greater than they have seen in many years. Activation of significant numbers of reserve forces has been required to provide relief to the active duty forces. If a situation requiring humanitarian intervention came up today, the U.S. military would be hard pressed to be able to conduct the mission. One of the major concerns prior to using military forces in humanitarian interventions is the availability of those forces.

#### **RISKS OF HUMANITARIAN INTERVENTION**

As with any political decision, there are risks associated with humanitarian intervention. The first and most important risk I will address is the potential of failure to obtain the desired outcome from the intervention. Should the United States fail to meet the objectives set out for the intervention, a loss of respect for the U.S. military could result. If the United States elects to participate in an intervention, it places its military forces at risk. The potential for casualties is inherent in any military operation and must be considered. If significant casualties are suffered in carrying out the intervention, a loss of public support could force the United States to back out of the intervention prior to accomplishing the objectives, as we experienced in Somalia. The loss of respect of U.S. military forces due to not meeting their objectives during an intervention might lead other tyrants or warlords to think they can get away with atrocities in their respective countries. Therefore, the probability of success for an intervention must be considered high prior to sending U.S. military forces on humanitarian intervention missions.

Another risk associated with humanitarian intervention is the cost. Large sums of money are required to send U.S. military forces abroad, so an argument can be made that domestic requirements for funds can outweigh the military requirement for those funds. As can be seen

today, elected officials in Washington, D.C., frequently discuss the expanding cost of military operations in Iraq. If the cost of an intervention becomes exorbitant, a loss of public support could force an administration to back out of an intervention. At some point, the potential cost of an intervention must be considered prior to sending U.S. military forces abroad.

As discussed before, the QDR does not specifically address humanitarian intervention as a basis for force structure determination. The operational tempo of U.S. military forces must be considered when determining if the United States should intervene abroad. Overstressing our forces could result in long term retention and recruiting problems in both the active and reserve components of our armed forces.

The risks of not intervening must also be considered. As we experienced in Rwanda, 800,000 people were massacred because no one intervened. The potential for some conflicts to expand outside the limits of the respective country and lead to major war is also a possible risk which could affect a region's economy. Additionally, the economic impact of some conflicts in the age of globalization could be severe. The risks of intervening must be weighed against the risks of not intervening.

#### **A HUMANITARIAN INTERVENTION CHECKLIST**

In an effort to provide input for U.S. national security strategy, I propose a list of tests similar to the Wienberger Doctrine use-of-force criterion,<sup>31</sup> which must be met in order for the United States to send U.S. military forces abroad for the purposes of humanitarian intervention. All of the criteria listed must be met prior to using military forces.

First, a just cause must exist, where a significant loss of life will occur if no intervention is conducted. The category of genocide easily passes this test and is justified by the international recognition of the UN Convention on the Prevention and Punishment of the Crime of Genocide. Cases of gross human rights violations and other situations such as natural disasters which lead to massive numbers of refugees where a government is unable or unwilling to provide for the basic needs of the refugees are other possibilities where intervention may be justified.

Second, U.S. popular support is a must. The U.S. government must ensure the people of the United States understand both the potential costs of conducting the operation and the reasoning for placing the U.S. military forces at risk. The U.S. administration must explain to the public the best estimate of the time table involved in the operation and specific goals the administration is attempting to achieve by conducting the intervention. While popular support is difficult to measure, there are ways whereby the support of the people can be determined such as polling. One potential tool to determine the popular support is to have Congress conduct a

debate and then vote on conducting the intervention. While this may delay an intervention, the support of the people measured through the vote of their elected officials is a critical factor in determining if they are willing to place their sons and daughters at risk. If U.S. public support is lacking, it is the responsibility of the U.S. leadership to sway the public opinion in favor of the intervention prior to commencing military operations.

Third, the probability of success must be high. As discussed above, failure to obtain the stated military and political objectives of the operation will tarnish the U.S. military reputation and may lead to other nations thinking they can get away with atrocities.

Fourth, U.S. military forces must be available to conduct the operation while maintaining a reasonable operational tempo. It is imperative that the government officials receive feedback from the Chairman of the Joint Chiefs of Staff on how a potential intervention will affect the operational tempo of the nation's military personnel. Over-stressing our military forces can lead to significant retention and recruiting problems.

Lastly, the United States should attempt to get as many countries as possible to approve the intervention. Specifically, the United States should attempt to get a UN resolution covering the intervention approved prior to using U.S. military forces. If a UN resolution is not approved, then the United States should attempt to get the approval of another multinational organization like NATO to approve the intervention. If deciding to act unilaterally, the United States must be ready to accept a healthy dose of criticism as being an international bully and acting in its own self interest. The United States should obtain as much international support as possible in order to prevent criticism regarding the legitimate authority required to authorize a humanitarian intervention.

#### **NATIONAL SECURITY STRATEGY IMPLICATIONS**

In my opinion, humanitarian intervention should be specifically discussed in the U.S. national security strategy, the U.S. military strategy (if updated), and the QDR so that every government understands the risk they face of international condemnation and possible intervention inherent when committing gross human rights violations. A list of tests, as suggested herein, should be listed in U.S. strategy documents.

If the United States considers the use of military forces for humanitarian interventions as part of our national security strategy in the future, and I think it should, then the implications for force structure must be evaluated. I do not propose to build a humanitarian/peacekeeping military force specifically trained for these operations, but suggest that additional force structure is required to keep the operational tempo of our military forces in check. In my opinion, current

training programs for our military forces are adequate to safely and efficiently conduct humanitarian intervention operations.

## **CONCLUSION**

Situations meeting the criteria presented above for humanitarian intervention will continue in the future and, I predict, will become more common as the world population increases. Areas where these cases will occur are becoming more predictable as the globalization phenomenon continues to widen the gap between countries which are part of globalization and those which are not. All forms of U.S. national power including diplomatic, informational, economic, and military should be used to influence the nations which are determined to be ripe for humanitarian crises prior to the need for intervention. If these efforts fail to prevent the humanitarian crisis from occurring, then the United States must consider five criteria which must be met in order to use U.S. military forces for humanitarian intervention: One, a just cause must be present. Two, the intervention must have U.S. popular support. Third, the probability of success is high. Fourth, U.S. military forces are available. And fifth, the United States has attempted to get a UN resolution approved and, if denied approval, has attempted to create a coalition of the willing to approve of the intervention. Once all five of these tests can be met, and not before, will the U.S. government be justified as a legitimate authority in using its military forces to conduct humanitarian intervention.

WORD COUNT = 5734



## ENDNOTES

<sup>1</sup> Shi Yinhong and Shen Zhixiong, "After Kosovo: Moral and Legal Constraints on Humanitarian Intervention," in *Moral Constraints on War: Principles and Cases*, ed. Bruno Coppieters and Nick Fotion (Lanham, MD: Lexington Books, 2002), 248.

<sup>2</sup> Office of the High Commissioner for Human Rights, United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide* (Geneva, Switzerland, 9 December 1948), 1.

<sup>3</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 3rd ed. (New York: Basic Books, 2000), xiii.

<sup>4</sup> Thomas P.M. Barnett, "The Pentagon's New Map," *Esquire*, March 2003, 1.

<sup>5</sup> Ibid.

<sup>6</sup> United Nations, *UN Charter, Chapter 1, Article 2*; available from <<http://www.un.org/aboutun/charter/.htm>>; Internet; Accessed 9 December 2003.

<sup>7</sup> Fernando Teson, *Humanitarian Intervention: An Inquiry into Law and Morality*, 2<sup>nd</sup> ed. (Irvington-on-Hudson, NY: Transnational Publishers, Inc., 1997), 173-174.

<sup>8</sup> Jane Stromseth, "Rethinking Humanitarian Intervention: The Case for Incremental Change," in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, ed. J.L. Holzgrefe and Robert O. Keohane (Cambridge, UK: Cambridge University Press, 2003), 253.

<sup>9</sup> Peter Ronayne, *Never Again* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2001), 112.

<sup>10</sup> Ibid, 106.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, 108.

<sup>13</sup> Ibid, 117.

<sup>14</sup> Elizabeth Drew, *On the Edge: The Clinton Presidency* (New York: Simon and Schuster, 1994), 312.

<sup>15</sup> Ronayne, 113.

<sup>16</sup> Ibid, 120.

<sup>17</sup> Ibid, 133.

<sup>18</sup> Ibid, 134.

<sup>19</sup> Shi Yinhong and Shen Zhixiong, 252-253.

<sup>20</sup> Carol Rittner, John K. Roth, and James M. Smith, *Will Genocide ever End?* (St. Paul, MN: Paragon House, 2002), 16.

<sup>21</sup> PBS Frontline, "The Triumph of Evil." Transcript, 26 January 1999; available from <<http://www.pbs.org/wgbh/pages/frontline/shows/evil/etc/script.html>>; Internet; Accessed 22 September 2003.

<sup>22</sup> Ronayne, 157.

<sup>23</sup> Ibid, 158.

<sup>24</sup> PBS Frontline, "The Triumph of Evil."

<sup>25</sup> Gary A. Haugen, "Kosovo and Rwanda: Studies in Genocide," *The Washington Times*, 25 June 1999; available from <[http://www.worldvision.org/worldvision/pr.nsf/stable/990625\\_rwanda\\_haugen](http://www.worldvision.org/worldvision/pr.nsf/stable/990625_rwanda_haugen)>; Internet; accessed 11 October 2003, 1.

<sup>26</sup> Ibid, 1.

<sup>27</sup> PBS Frontline, "The Triumph of Evil."

<sup>28</sup> Walzer, 107.

<sup>29</sup> Robert McMahon, "UN: Humanitarian Intervention Transcends Frontiers," April 2000; available from <<http://www.rferl.org/features/2000/04/f.ru.000405143739.asp>>; Internet; accessed 6 December 2003, 1.

<sup>30</sup> Donald Rumsfeld, *Quadrennial Defense Review Report*, (Washington DC, Department of Defense, 30 September 2001), 17-18.

<sup>31</sup> Caspar W. Weinberger, "The Uses of Military Power", 28 November 1984; available from <<http://www.fas.org/man/dod-101/ops/docs/840000-cap.htm>>; Internet; accessed 6 December 2003.

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